

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Application of)	
)	
ALLTEL SOUTHEAST ALABAMA)	File No. 07478-CL-MP-95
RURAL CELLULAR, L.P.)	
)	
For Authorization to Compute)	
Its CGSA Using Alternative Propagation)	
Methodology Under Section 22.911(b))	
Of the Commission's Rules)	

ORDER

Adopted: February 23, 2000

Released: February 24, 2000

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. On October 30, 1995, Public Service Cellular, Inc. (Public Service) filed a petition to dismiss or deny (Petition) the above-captioned application (Application) of ALLTEL Southeast Alabama Rural Cellular Limited Partnership (ALLTEL). For the reasons discussed below, we deny the Petition, and grant ALLTEL's Application.

2. ALLTEL and Public Service are adjacent licensees.¹ In its Application, ALLTEL is seeking a major modification which results in alternative coverage showings (ACSS) for two of its existing cellular sites, namely Union Springs and Tuskegee II. In its Petition, Public Service requests that ALLTEL's Application be denied because it violates sections 22.912(b)² and 22.949³ of the Commission's rules. Public Service claims that the Application violates section 22.912(b) because ALLTEL proposes to extend both sites into its cellular geographic service area (CGSA) without its consent.⁴ Public Service also claims that ALLTEL's Application violates section 22.949 because the proposed ACS for the Union Springs site extends into unserved area within its metropolitan statistical area (MSA), which requires the filing of a Phase II cellular unserved area application.⁵

¹ ALLTEL is the licensee of station KNKN931, Alabama RSA 8(B)(1), Market 314(B), while Public Service is the licensee of station KNKA415, Columbus, Georgia MSA, Market 153(B).

² 47 C.F.R. § 22.912(b).

³ 47 C.F.R. § 22.949.

⁴ Petition at 2.

⁵ *Id.* at 2-3.

3. Under section 22.911(b) of the Commission's rules,⁶ alternative propagation methodology may be used to provide licensees with a more accurate measurement of the area they actually serve within their market.⁷ Accordingly, ALLTEL's Application must include a depiction of what it believes its CGSA should be, accompanied by one or more supporting propagation studies using methods appropriate for the 800-900 MHz range, including all supporting data and calculations.⁸ Upon review, we find that the documentation included with ALLTEL's Application is sufficient to support an alternative CGSA determination in accordance with section 22.911(b).

4. ALLTEL states that it proposed the use of alternative propagation methodology solely to ensure that its CGSA was coterminous with the boundaries of its rural service area (RSA), Alabama 8(B)(1).⁹ ALLTEL also contends that it specifically disclaimed the inclusion within its CGSA of any territory outside the boundaries of its RSA which was shown in the resulting alternative propagation methodology contours.¹⁰ Thus, although ALLTEL's use of alternative propagation methodology results in a proposed CGSA which extends into Public Service's CGSA, the Application as filed does not violate section 22.912(b) because ALLTEL disclaimed any impermissible extensions.¹¹ Likewise, although the alternative propagation methodology contours may extend into unserved area, the Application does not violate section 22.949 because ALLTEL has specifically disclaimed any territory which is outside the boundary of its RSA.¹² ALLTEL is not seeking to extend its CGSA past the boundaries of its market.¹³ Because ALLTEL's Application does not violate sections 22.912(b) or 22.949 of the Commission's rules, we grant the Application and deny Public Service's petition to deny.

5. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. §154(i), and section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, the Application of ALLTEL Southeast Alabama Rural Cellular Limited Partnership, filed on September 15, 1995, IS GRANTED.

⁶ 47 C.F.R. § 22.911(b).

⁷ Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, *Second Report and Order*, 7 FCC Rcd 2449 (1992).

⁸ *Id.*

⁹ Opposition to Petition to Dismiss or Deny (Opposition), filed by ALLTEL on May 20, 1996, at 3.

¹⁰ *Id.*

¹¹ Application at Exhibit 2.

¹² *Id.*

¹³ *Id.*

6. IT IS FURTHER ORDERED that, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 0.331 and 22.130 of the Commission's rules, 47 C.F.R. §§ 0.331, 22.130, the petition to dismiss or deny filed by Public Service Cellular, Inc. on October 30, 1995, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari
Chief, Policy and Rules Branch
Commercial Wireless Division
Wireless Telecommunications Bureau